

Di-az et al v. Tesla, Inc. et al
U.S. District Court for the Northern District of California
Case No. 17-cv-06748-WHO

EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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DEMETRIC DIAZ, OWEN DIAZ AND)	
LAMAR PATTERSON,)	
)	
Plaintiffs,)	CASE NO.
)	3:17-cv-06748-WHO
vs.)	
)	
TESLA, INC., DBA TESLA MOTORS,)	
INC.; CITISTAFF SOLUTIONS, INC.;)	
WEST VALLEY STAFFING GROUP;)	
CHARTWELL STAFFING SERVICES,)	
INC.; AND DOES 1-50, INCLUSIVE,)	
)	
Defendants.)	
_____)	

VIDEOTAPED DEPOSITION OF TAMOTSU KAWASAKI

DATE: OCTOBER 9, 2019

TIME: 2:05 P.M.

LOCATION: CALIFORNIA CIVIL RIGHTS LAW GROUP
180 GRAND AVENUE, SUITE 1380
OAKLAND, CALIFORNIA

REPORTED BY: ANGIE M. MATERAZZI
Certified Shorthand Reporter
License No. 13116

1 **A. Correct.**

2 MR. ARANEDA: Misstates testimony.

3 THE REPORTER: Say one more time.

4 MR. ARANEDA: Misstates testimony.

5 THE WITNESS: That is correct. I -- like I
6 did -- they -- Edward Romero was in the position at that
7 time, so I sent it to him and I also cc'd Jaime and
8 Victor, to make everybody, that was a supervisor above
9 me, aware of what was going on.

10 BY MR. ORGAN:

11 Q. Okay. And -- and was that based on the
12 procedures that you were aware of, in terms of what you
13 were supposed to do as a supervisor, if you received a
14 complaint about race, harassment or anything like that?

15 MS. JENG: Objection, misstates testimony that
16 he was a supervisor.

17 THE WITNESS: That is just me backing myself
18 and having everything written down, for something like
19 what we're going through right now, that happens,
20 everything is documented. I don't want to be
21 blindsided, he said, she said. No, this is what
22 happened, this is who I'm letting know what happened.
23 Now, whether they take it and do something with it, it's
24 off of me. I didn't have the power to hire or fire
25 anybody.

1 A. Yes.

2 Q. Did Mr. Diaz work that day?

3 A. Yes.

4 Q. Okay. Did you work Sunday?

5 A. I did work Sunday.

6 Q. Did Mr. Timreza work that day?

7 A. I believe so, yeah, yeah. He worked up until
8 Monday. The last day I seen him -- he -- so he had
9 Monday, Tuesday off.

10 Q. Okay.

11 A. Right. So he worked Wednesday, Thursday,
12 Friday, Saturday, Sunday. He had Monday, Tuesday off.
13 He didn't come back -- they -- that's on Monday, they
14 told me that he's not coming back.

15 Q. Okay. And that's --

16 A. Or they told me to fill the elevator position,
17 so I assumed he's not coming back. They told me, You
18 need to find somebody on your shift that can cover the
19 elevator and that's where I assumed he's not coming back
20 and then he didn't come back that following Wednesday.

21 Q. Okay. When -- do you know if Mr. Diaz worked
22 the Saturday after the altercation?

23 A. I believe he -- I believe he did because -- I
24 believe he did because I was very attentive on that
25 elevator that night, that Saturday night. I was --

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1 showed up every 30 minutes and made sure nothing was
2 going and nothing was happening. Because I told them,
3 You guys got to work with each other. I don't -- I
4 mean, was -- if they tell me you can't work with each
5 other, that is what it is. Nobody told me that they
6 couldn't work together or made it a hostile work
7 environment.

8 Q. Okay. Were there any problems that you were
9 aware of between Timbreza and Mr. Diaz that Saturday?

10 A. No.

11 Q. Okay.

12 A. No.

13 Q. Did you -- you mentioned you worked Sunday
14 night.

15 Did Mr. Diaz work Sunday?

16 A. I don't believe so.

17 Q. Okay. And then by Monday you knew that you
18 had to replace Mr. Timreza?

19 A. Well, because that Sunday I stayed late.
20 Victor came in that Monday morning, I stayed -- well, I
21 stayed later, my shift, I stayed for the morning until
22 he came in and said, You need to fill somebody in the
23 elevator. Who do you think can fill the elevator on
24 your shift, currently, while they fill and find another
25 sorter and I'm -- maybe he contacted a staffing company

1 to fill another sorter position.

2 Q. Do -- while you worked at Tesla, did you know
3 anyone who worked for NextSource?

4 A. NextSource rings a bell. That's why when you
5 said worked -- you're representing NextSource rings a
6 bell. I believe Edward worked for NextSource.

7 Q. In what -- do you know what capacity he worked
8 for NextSource?

9 A. I don't know what capacity he did. But I
10 know -- I believe he worked for NextSource and then he
11 became a Tesla employee.

12 Q. Okay. Do you know when he became a Tesla
13 employee?

14 A. Very shortly after he came, which kind of
15 pissed me off, you know.

16 Q. Because he became a permanent Tesla employee?

17 A. I mean, because he came Tesla. Now you got
18 Tesla stocks. I mean, in my mind, I'm working -- I've
19 been here busting my ass, I became a lead and then you
20 bring somebody random. Who cares what background he
21 has. What is he custodial? I don't know what the hell
22 the guy is.

23 Q. Do you know if the incident between
24 Mr. Timreza and Mr. Diaz was -- was relayed to anyone at
25 NextSource?

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1 CERTIFICATE OF DEPOSITION OFFICER

2

3 I, ANGIE M. MATERAZZI, CSR No. 13116, duly
4 authorized to administer oaths Pursuant to Section
5 2093(b) of the California Code of Civil Procedure,
6 hereby certify that the witness in the foregoing
7 deposition was by me duly sworn to testify the truth,
8 the whole truth and nothing but the truth in the
9 within-entitled cause; that said deposition was taken at
10 the time and place therein stated; that the testimony of
11 the said witness was reported by me and thereafter
12 transcribed by me or under my direction into
13 typewriting; that the foregoing is a full, complete and
14 true record of said testimony; and that the witness was
15 given an opportunity to read and correct said deposition
16 and to subscribe the same.

17 I further certify that I am not of counsel nor
18 attorney for either or any of the parties in the
19 deposition and caption named, or in any way interested
20 in the outcome of the cause named in said caption.

21 I hereby certify this copy is a true and
22 exact copy of the original.

23

ANGIE M. MATERAZZI, CSR 13116

24

25 Date: _____